City of El Paso – City Plan Commission Staff Report
(Revised)

Case No:	PZDS14-00004
Application Type:	Detailed Site Development Plan Review
CPC Hearing Date:	May 22, 2014
Staff Planner:	Alex Hoffman, 915-212-1566, hoffmanap@elpasotexas.gov
Location:	North of San Mateo Lane and East of Las Vegas Drive
Legal Description:	Kern View Estates Unit Two, City of El Paso, El Paso County, Texas
Acreage:	15.5757
Rep District:	1
Existing Zoning:	P-R I /C (Planned Residential I/Condition)
Existing Use:	Vacant
C/SC/SP/ZBA/LNC:	Yes (Conditions imposed by Ordinance No. 011247; Attachment #4)
Request:	Permit Single Family Attached Dwellings**,** Setback Reductions, Increase in Building Height, Lot Sizes
Proposed Use:	Single Family Attached Dwellings
Property Owner:	Piedmont Group, LLC.
Representative:	Brock & Bustillos Inc., c/o Sergio J. Adame P.E.

SURROUNDING ZONING AND LAND USE
North: PMD (Residential) / Vacant
South: R-3 (Residential) / Single-family dwellings
East: P-RI/sc (Residential/Special Contract) / Single-family dwellings
West: R-3 (Residential) / Single-family dwellings

PLAN EL PASO DESIGNATION: G-3, Post-War; G-4, Suburban Walkable; O-1, Preserve
NEAREST PARK: Althea Park (1,617 feet)
NEAREST SCHOOL: Mesita Elementary (3,655 feet)

NEIGHBORHOOD ASSOCIATIONS
El Paso Central Business Association
Mission Hills Association

NEIGHBORHOOD INPUT
Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on May 7, 2014. The Planning Division has received a letter of inquiry (Attachment 5) and two letters in opposition (Attachments 6 and 7) to the detailed site development plan request.

CASE HISTORY
In addition to the request for Detailed Site Development Plan Review and Approval, the applicant has also submitted an application to replat the subject property to change the lot configuration in conformance with this application.

On December 8, 1992, City Council approved the rezoning of the subject property from Planned Mountain Development (PMD) to Planned Residential I (PR-I) and imposed various conditions by way of Ordinance No. 011247 (Attachment 4). A copy of the ordinance is attached. In summary, the ordinance conditions

placed on the subject property were:

1. Any undeveloped portion of the property must remain in its natural state.
2. A density limitation of 60 units.
3. The requirement of a subdivision plat and detailed site development plan to be approved by City Council.
4. A minimum 10-foot setback between structures and the property line shall be maintained.
5. Right-of-way and pavement widths meet City Code.
6. Off-street parking requirements shall be met.
7. Utilities shall be provided to the subject property.
8. Any grading done to the site must comply with the grading ordinance.
9. All utilities shall be placed underground.

All conditions imposed by this ordinance that are relevant to this zoning request have either been complied with or are current requirements of the City Code.

Additionally, a Detailed Site Development Plan was previously reviewed and approved by City Council on February 25, 2010 as part of application ZON09-00089. Although this satisfied the Detailed Site Development Plan condition placed on the subject property, a new site plan is now required as the applicant is proposing a new use and requesting a modification to the density and dimensional standards in the PR-I zone district.

APPLICATION DESCRIPTION

The request is for Detailed Site Development Plan Review and approval as required in Section 20.10.360.C.4.b and Appendix B, Table of Density and Dimensional Standards. The proposed development is for single-family attached dwellings and modifies the density and dimensional standards.

As depicted on the detailed site development plan, the applicant is proposing to create 61 lots of varying sizes and dimensions. On 60 of the lots, there will be single-family attached residential dwellings while a clubhouse will be located on the last remaining lot.

The PR-I zone district allows for the variation in density and dimensional standards when a Detailed Site Development Plan is reviewed and approved by City Council. As such, the applicant has proposed to reduce all setbacks (front, rear, side and side street) to 0' and increase the maximum allowable height from 35' to 37', as allowed per City Code. Additionally, the proposed lots will vary in size from approximately 986 sq. ft. to 3,980 sq. ft.

Parking requirements will be met through a combination of garage parking located at the ground level of the structures, as well as surface parking located at various points along the private driveway. Access is proposed via Metetuye Lane.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **APPROVAL** of the detailed site development plan request as it meets all of the requirements of Section 20.04.150, Detailed Site Development Plan and 20.10.360 C., Planned Residential.

ANALYSIS

20.04.140 When required.

Except as stated herein, a detailed site development plan is required prior to development in a special purpose district or with a special permit application and may be required if a zoning condition exists on a particular piece of property. Detailed site development plans are not required for any projects for development in the Mixed Use District (RMU, GMU and IMU) or for any other projects other than those located in special purpose districts or as otherwise required herein.

Detailed Site Development Plan review is required because the subject property is located with a special purpose district and does not meet dimensional standards set forth in 20.10.360 C and Appendix B, Table of Density and Dimensional Standards.

20.04.150 Procedure.

C. Administrative approval. Detailed site development plans meeting the following conditions shall be reviewed and approved by the zoning administrator:

1. The site is two acres or less in size, and
2. The site plan contains no more than two buildings, and
3. The site plan complies with any zoning conditions and all city code provisions, to include the tables for uses and density and dimensional standards and;
4. The city's department of transportation has no concerns with access or restriction of access to the site; and,
5. The site plan complies with staff recommendations concerning the location of stormwater drainage structures and easements to include onsite ponding areas; the location and arrangement of structures, vehicular and pedestrian ways; open spaces and landscape planted areas. Staff recommendations shall not require that the site plan have landscaping in excess of what is required under the city code or any zoning condition.

   If the zoning administrator does not approve an applicant's detailed sited development plan, the applicant may appeal the decision to the city plan commission. The applicant must file the appeal with the zoning administrator within fifteen business days from the date of the zoning administrator's decision. The zoning administrator shall place the appeal on the city plan commission agenda to be heard by the commission within thirty business days from the date the appeal was received. The zoning administrator shall include the detailed site plan, the appeal, and a summary of the zoning administrator's reasons for disapproving the detailed site plan.

Note: the detailed site development plan review is not eligible for administrative approval because the subject property is more than 2 acres in size and the applicant is proposing to vary setbacks and dimensional standards.

D. City plan commission approval. Pursuant to this Code, the city plan commission, in addition to the powers and duties identified in this chapter, shall have final authority on approval of all other detailed site development plans, unless a zoning condition, contract provision, other city code provision or state law require the detailed site development plan to be approved by city council.

1. The planning division shall make its recommendations to the city plan commission within thirty days after a complete application is submitted.
2. The city plan commission shall hold a public hearing at its regular meeting that is within thirty days from receipt of department recommendations.
3. The commission shall consider the following information when approving a proposed detailed site development plan: the boundaries of the tract proposed for development; location and arrangement of structures; determine if the use conforms to applicable zoning regulations, determine if historic landmark commission approval has been granted for architectural design of all structures if located in a historic district and the design conforms to such approval; location of utility rights-of-way and easements and stormwater drainage; vehicular and pedestrian ways; on-site parking areas; location of open spaces and landscape planted areas.
4. In no instance shall the city plan commission have authority to vary the yard standards applicable to the district.
5. The city plan commission shall approve the plan if it complies with all applicable code provisions.

Planning Staff have reviewed the detailed site development plan which meets requirements and therefore

are recommending approval.

Plan El Paso- Future Land Use Map Designation
All applications for detailed site plan review shall demonstrate compliance with the following criteria:

O-1 Preserve: Publicly owned land such as the Franklin Mountains and Hueco Tanks State Parks, all City and County parks and public drainage areas, and cemeteries (even if private). These lands will not be developed due to their ownership and current use.

G-3 Post-War: This sector applies to transitional neighborhoods typically developed from the 1950s through the 1980s. Streets were laid out with curvilinear patterns without alleys and shopping centers are located at major intersections behind large parking lots. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

G-4 – Suburban (Walkable): This sector applies to modern single use residential subdivisions and office parks, large schools and parks, and suburban shopping centers. This sector is generally stable but would benefit from strategic suburban retrofits to supplement the limited housing stock and add missing civic and commercial uses.

The purpose of the P-R I district is to encourage planned developments as a means of creating a superior living environment through unified planning and building operations at lower residential densities. The regulations of the district are designed to encourage variety in housing needed to meet changing housing demands and to provide adequate community facilities well-located with respect to needs; to protect the natural beauty of the landscape; to encourage preservation and more efficient use of open space; and to offer an opportunity for design flexibility and encourage innovations which may result in improved relationships between uses of different types and between land uses and transportation facilities.

COMMENTS:

Planning Division – Transportation
The Detailed Site Development Plan submitted meets the minimum parking requirements of Zoning Code Chapter 20.14, Appendix C.

General Note:
All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall follow the City of El Paso Design Standards for Construction and be ADA/TAS compliant.

City Development Department – Plan Review
Upon review of the proposed reduction in setbacks and increase in building height is as follows:

1. any structures or portions thereof less than 3 feet from the property line must be fire rated construction (no openings allowed)

2. some (if not all) of the proposed structures may have to be equipped with a fire suppressant (sprinkler) system based on the slope of the street and the available water pressure at any fire hydrants (verify with fire dept).

City Development Department - Landscaping Review
No objection.

City Development Department - Land Development
Land Development does not have objections to this request.

Fire Department
With the above listed conditions, this project will be "APPROVED W/CONDITIONS. All conditions imposed shall be in accordance to ensure an adequate level of service for response of emergency vehicles.

19.24.30
1. Where a street grade exceeds eleven percent, buildings on lots fronting and accessed by the street shall be required to be sprinklered by the city plan commission when recommended by the city manager, or designee and the fire chief.

2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided. If the only access to a subdivision is by a street with a grade exceeding eleven percent, then all structures in the subdivision are considered to be accessed by a street exceeding eleven percent and required to be sprinklered, and have a hard wired alarm system.

3. With the 28' of pavement with blocks in excess of 640 feet, shall have a mid-block staging area.

4. Each dwelling unit shall have a minimum of two (2) off-street parking spaces.

9.52.200 Appendix D, Fire Apparatus Access Roads, adopted and amended

5. D102.1 Access and loading.
Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

6. D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 28 feet (8534 mm).

7. D103.6.3 Roads more than 28 feet in width. Fire apparatus access roads more than 28 feet wide (8.5 m) and less than 36 feet wide (11 m) shall be posted on one side of the road as a fire lane.

8. D103.6 Signs.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

9. Address numbers.

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

10. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located

within the aerial fire apparatus access roadway.

Police Department
No issues.

Sun Metro
Sun Metro does not oppose this request. Recommends the construction of sidewalks to permit pedestrian access to mass transit opportunities.

El Paso Water Utilities
1. EPWU does not object to this request.

2. The existing water system can only provide service to properties with finished floor elevations up to 4260 feet (PSB datum). The Developer must grade the subdivision so that all lots are located at or below elevation 4260 feet.

Water:
3. There is an existing 8-inch diameter water main extending along Bacerac Ct., the water main is located approximately 7 feet north from the center line of the right-of-way. The main dead-ends approximately 164-ft north of Las Vegas Drive. This main operates on the Santa Ana intermediate pressure zone and it is not available for service.

4. There is an existing 16-inch diameter water main extending along O'Keefe Drive that is available for service, the water main is located approximately 12-ft east from the center line of the right-of-way. This main operates on the Mission Hills pressure zone.

5. Off-site and on-site extensions from the 16-inch diameter water main along O'Keefe Drive are required to serve the proposed subdivision.

6. The proposed water main extension from O'Keefe Drive shall extend east from O'Keefe Drive along Bacerac Court, continue south along Metetuye Place and Kern View Drive. Due to the connection to the discharge side of the Piedmont Booster Station, ductile iron pipe (DIP) class 350 is required in lieu of PVC C-900. The Owner/Developer is responsible for all water main extension costs.

7. A hot tap connection has to be performed to the existing 16-inch diameter water main to provide a loop system. The hot tap shall be done near the pump station's discharge header immediately outside of the Piedmont Pump Station's fenced area. An extension of a water main from this tap is required along the 15-ft PSB easement. The Owner/Developer is responsible for all water main extension costs.

Sanitary Sewer:
8. Off-site and on-site sanitary sewer main extensions from a manhole located on the intersection of Becerac Ct. and Metetuye Place are required to serve the proposed subdivision. This main shall extend south along Metetuye Place and Kern View Drive to provide sewer service to the proposed subdivision.

General:
9. No building, reservoir, structure or other improvement, other than asphaltic paving (HMAC), shall be constructed or maintained on the above referenced EPWU-PSB easements without the written consent of EPWU-PSB. The Developer shall refrain from constructing rock walls, signs,

buildings, or any structure that will interfere with the access to the PSB easements. There shall be at least 5-foot setback from the easement line to any sign or structure.

10. EPWU requires a new service application to provide service to the property. New service applications are available at 1154 Hawkins, 3rd floor and should be made 6 to 8 weeks in advance of construction to ensure water for construction work. A site plan, utility plan, grading and drainage plans, landscaping plan, the legal description of the property and a certificate-of-compliance are required at the time of application. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The applicant is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

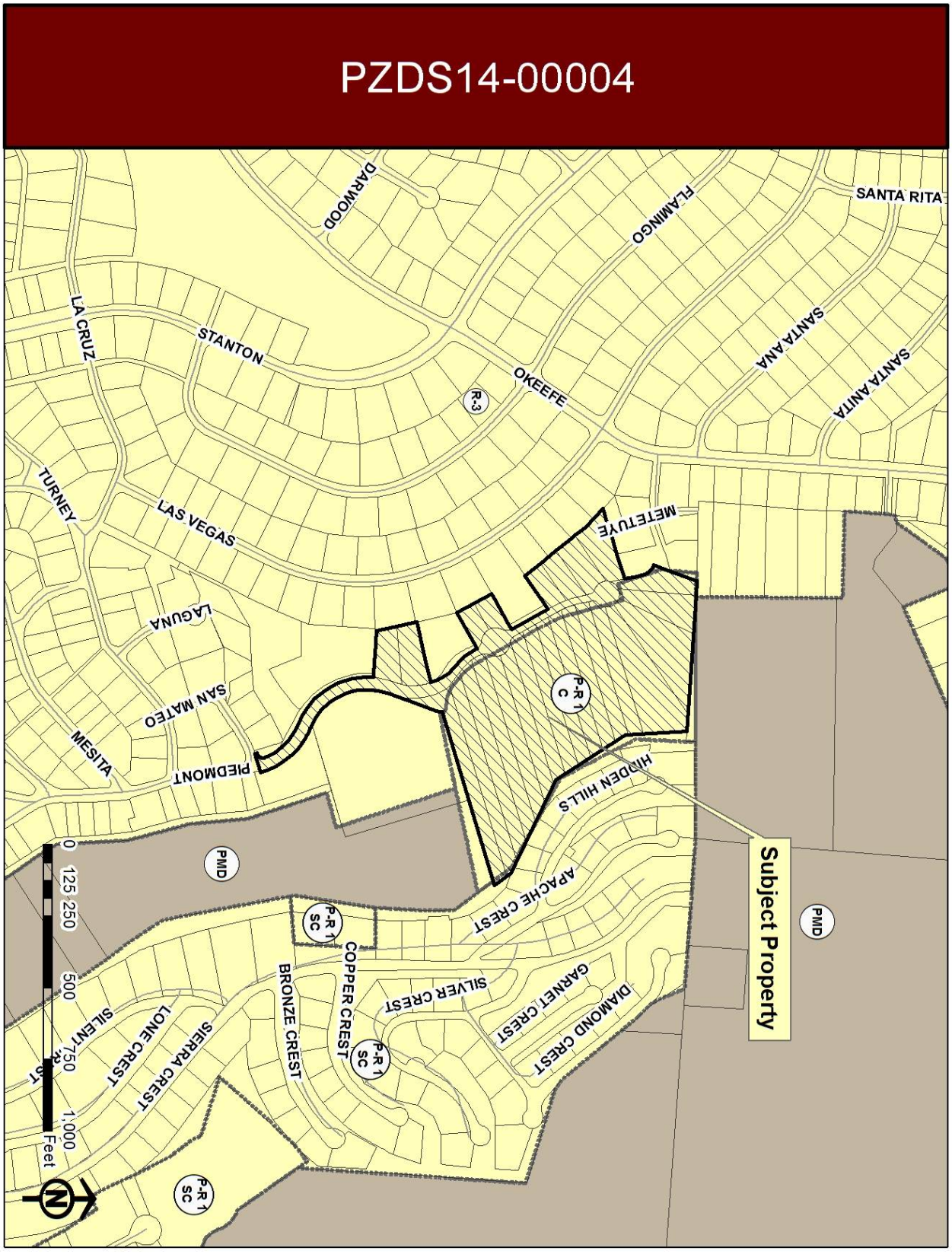
The City Plan Commission may consider the following options and additional options that it identifies when reviewing a detailed site development plan application:

1. Recommend approval of the application finding that the detailed site development plan is in conformance with the review criteria of Plan El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the detailed site development plan into conformance with the review criteria in Plan El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the detailed site development plan does not conform to the review criteria in Plan El Paso as reflected in CPC report or other criteria identified from the Plan by the CPC.

Attachments

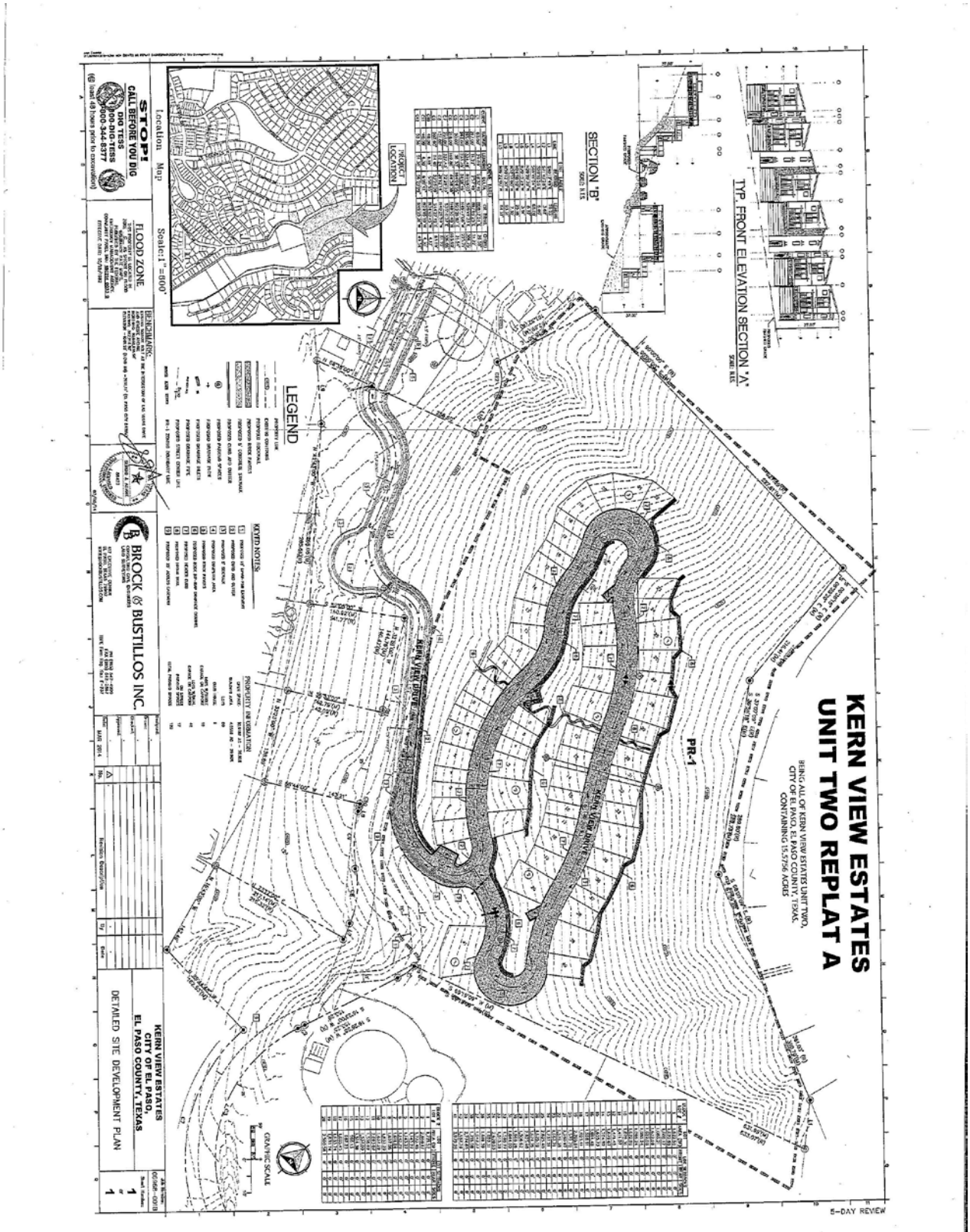
1. Zoning Map
2. Aerial Map
3. Detailed Site Plan
4. Ordinance No. 011247
5. Letter of Inquiry
6. Opposition Letter
7. Opposition Letter

Attachment 1: Zoning Map



ATTACHMENT 2: AERIAL MAP

ATTACHMENT 3: DETAILED SITE DEVELOPMENT PLAN



ATTACHMENT 4: ORDINANCE NO. 012247

046333

+ '51 — 25.00
2378-001-OLD-LT

ORDINANCE NO. 011247

AN ORDINANCE CHANGING THE ZONING OF A PORTION OF M.J. MCKELLIGON SURVEY NO. 270 AND IMPOSING CERTAIN CONDITIONS, THE PENALTY BEING AS PROVIDED IN SECTION 20.68.010 OF THE EL PASO CITY CODE

WHEREAS, the Mountain Development Area (MDA) boundary was redefined by the City Council of El Paso in 1984 for the purpose of establishing control of grading and cut and fill operations in the Franklin mountain area of El Paso; and

WHEREAS, these controls were created for several purposes, including minimization of scarring of the natural character of the Franklin mountains; and

WHEREAS, the City Council on December 4, 1984 adopted the City's first mountain zoning classification, the Planned Mountain Development District (PMD); and

WHEREAS, this PMD district was created to provide an alternative approach to conventional flatland development by restricting density based on the slope of the terrain on the mountain; and

WHEREAS, much of the land within the MDA was rezoned to PMD district on January 6, 1986 to promote the City's objectives adopted for the MDA; and

WHEREAS, the City has received a request from Madero Development and Construction Company, Inc., and Chaparral Equity Corporation (hereinafter referred to as Applicants) to rezone a parcel of approximately 33.9 acres within the City's MDA from PMD district to Planned Residential I (PRI) district in order to achieve a greater allowable density, and

WHEREAS, Applicants have explicitly recognized, on the record of the public hearing, the City's valid interests and purposes in enacting both the MDA and the PMD classifications and have offered to restrict development of the property as the PMD ordinance would restrict them, with the exception of density; and

WHEREAS, Applicants have offered to achieve these results by placing several conditions on the property, which conditions are enumerated herein; and

2536/25

011247

WHEREAS, Applicants have specifically stated their desire to deed certain property to the City, and have it taken off the tax rolls, so as to relieve them from the burdens of taxes, maintenance, and liability; and

WHEREAS, following discussion, Applicants have agreed to amend their request for rezoning to rezone only the approximately 10 northerly acres, as further described in Exhibit A, attached hereto, required for development of a density which the Applicants have represented will allow a reasonable economic use, and upon receipt of all necessary development permits Applicants have agreed to deed no less than twenty (20) acres of the original 33.9 acres, which acreage is further described in Exhibit B, attached hereto, to the City, as City Council at such a time might accept;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of 10 acres of M.J. McKelligon Survey No. 270, as further described by a metes and bounds description attached hereto as Exhibit "A" and incorporated herein, and hereinafter known as "Property", be changed from Planned Mountain Development District (PMD) to Planned Residential District I (PRI), within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly; and

That the Property be subject to the following conditions which are necessitated by and attributable to the increased intensity of use generated by the change of zoning from PMD, in order to protect the health, safety and welfare of adjacent property owners and the residents of this city, and to protect the significant natural features of the mountain:

1. Any area not actually developed within the Property shall be dedicated as common, private, or public open space, as defined in the City of El Paso Zoning Code, on the subdivision plat, to remain in its natural state. These areas are also subject to paragraph 3 (c), below. The common open space may be developed with hiking trails or other recreational improvements, as shown on the detailed site development plan approved by City Council, but shall not be the location of any parking area or structure.

2. Density on the Property shall be limited to no more than 60 single-family attached dwellings or a 60 unit multi-family structure subject to a height restriction of thirty-five (35) feet, provided, however, that a multi-family structure may exceed the thirty-five (35) foot height restriction if the structure is developed in a stair-stepped design up the slope of the mountain, and where each floor level (or step) is no greater than thirty-five feet. In no case shall a free-standing, multi-level high-rise building be allowed on the Property.

3. The following development and design standards derived from the City's current PMD district shall be complied with on the property:

a. Subdivision Plat. Buildings and structures shall be erected only on the Property where a plat or replat has been approved by the city plan commission, filed of record in accordance with City of El Paso Ordinance No. 7714, and which indicates compliance with the provisions of this paragraph 3. Each attached or detached single-family dwelling must be platted on an individual lot prior to issuance of occupancy permits.

b. Detailed Site Development Plan. A detailed site development plan, (hereinafter, site plan) complying with all of the requirements of El Paso City Code Sections 20.04.140, 20.04.150, 20.04.170 and 20.04.180 is required for this Property. In addition, the site plan shall contain a description of what factors were taken into account with respect to aesthetics and the environment in the design of the proposed development. No building permit shall be issued until the site plan is approved by City Council. If the development is to be undertaken in a series of phases, a development schedule indicating phasing shall be submitted concurrently with the site plan required by El Paso City Code Sections 20.04.140, 20.04.150, 20.04.170 and 20.04.180.

c. Common, Private or Public Open Space. The total amount and distribution of common, private or public open space within the Property shall be shown on the site plan and subdivision plat and shall be expressed as the percent of the site which will remain in its natural state. Satisfactory provisions for assuring continued retention of the common, private or public open space shall be provided in accordance with the procedures set forth in El Paso City Code Section 20.08.350.

d. Perimeter Treatment. The perimeter treatment of any development shall be designed to insure compatibility with the adjacent existing or potential development by provision of compatible land uses and structures. A minimum setback of ten feet of separation for each story or fraction thereof shall be maintained between any structure and the outside boundary of any development.

e. Private Streets. Where authorized by the City Plan Commission in approving a subdivision plat, streets on the Property may be privately owned.

f. Preservation of the Environment. In any development, existing vegetation, animal life, arroyos, floodprone

011247

areas, steep slopes, and other natural features of the Property shall be considered in the planning, design and layout of buildings, service areas and location of streets in the allocation of open spaces to preserve the natural environment. This section shall not be construed or applied to limit or restrict the number of dwelling units.

g. Right-of-Way and Pavement Widths. The right-of-way and pavement widths for internal ways, streets and alleys within and adjacent to any development shall be:

(i) Determined from the standards contained in City of El Paso Subdivision Ordinance No. 7714 and any applicable ordinance governing private streets;

(ii) In conformity with the estimated needs of the entire development and the traffic to be generated thereby;

(iii) Adequate and sufficient in size, location and design to accommodate the maximum traffic, parking, loading needs and the access for firefighting equipment vehicles while preventing undue scarring and grading.

h. Off-street Parking and Loading. The minimum requirements for off-street parking and loading in City of El Paso Code Chapter 20.64. shall be complied with.

i. Utilities and Public Services. Any development on the Property shall be adequately served by essential utilities and public services such as water, sanitary sewer, storm drainage, police, fire and other similar services.

j. Property Grading Standards. Grading must be in accordance with Chapter 18.44 of the El Paso City Code (grading ordinance).

k. Work Standards for Construction.

(i) All utility service facilities, except for transmission or feeder lines, shall be placed underground and wherever practical shall lie within the street right-of-way. For purposes of this standard, a transmission line shall mean an overhead electric pole line capable of carrying two thousand four hundred volts or

011247

more but less than sixty-nine thousand volts used to serve underground distribution.

(ii) Disturbed soil surfaces shall be stabilized by compaction and revegetation where practical to minimize blowing dust, landslides, falling rocks, debris and excessive water runoff.

(iii) Any person performing grading or excavation operations shall take precautions to minimize erosion, protect any waterways or arroyos and other natural features and to protect the health, safety and welfare of persons and public and private property from damage.

(iv) All developers or property owners shall be responsible for storage and hauling of loose dirt, debris, etc., resulting from any development to an approved location for disposal.

(v) The drainage plan, prepared by a professional engineer registered in the state, which takes into consideration the health, safety and general welfare of all persons and property within and adjacent to the development, adjacent arroyos, channels and any other collections systems which lie between the proposed development and approved drainage collection basins, shall be carried out as required by the subdivision ordinance.

(vi) Sand and gravel extraction, borrow pits, quarrying, rock crushing and any other processing of earthen material is expressly prohibited, except that a borrow pit may be permitted when used to develop and improve the property in accordance with an approved site plan. After development is complete, any borrow pit shall be made to appear as natural terrain to the extent reasonably practicable through the use of landscaping and other means.

1. Environmental Assessment.

a. To ascertain how a proposed development will affect the site and adjacent areas, an environmental assessment may be required by the city plan commission and approved by city council in conjunction with the subdivision plat required by paragraph 3(a), above. The assessment shall be prepared in accordance with the environmental guide published by the department of planning,

011247

research and development of the city on March 24, 1983, and as may subsequently be revised.

b. If the city council finds, after a recommendation of the city plan commission and the El Paso mountain committee, that there is evidence of an adverse effect upon the environment as expressed in the environmental assessment or as determined at the public hearing, the city council may approve specific modifications to the site plan which lessen or eliminate the adverse effects.

m. Completion of Public Improvements. All public improvements required by these regulations shall be completely installed and constructed by the owner, or his successors in title, within the area covered by the plat within a maximum time period of three years from the recording of the approved plat. All public improvements shall conform with the current subdivision improvement design standards. At the request of the owner, the city plan commission may grant time extensions for completion of public improvements in accordance with the City of El Paso Subdivision Code.

4. No blasting shall occur on the Property. Further, no rock-fracturing techniques which cause shock waves substantially the same as are caused by explosive blasting shall be used on the Property. Conventional heavy earth-moving equipment and conventional rock-fracturing equipment, such as jackhammers, shall be permitted in accordance with paragraph 6, below.

5. A subdivision plat for the Property shall be filed prior to the issuance of any building permit.

6. Owner shall not use any construction equipment on the Property, including, but not limited to, jackhammers and earth-moving equipment, between the hours of 6:00 p.m. and 6:00 a.m. Monday through Friday and between the hours of 6:00 p.m. and 8:00 a.m. on Saturday and Sunday.

7. Prior to the issuance of any grading permit authorizing any grading or development work on the Property, Owner shall execute a dedication deed, by which Owner dedicates as a City park and transfers to the City of El Paso, in fee simple, all of Owner's right, title and interest in the remaining land of not less than 20 acres, a metes and bounds description of which is attached hereto as Exhibit "B" and made a part hereof, in a natural and undisturbed condition, such as that land appears on the date of the passage and approval of this Ordinance. This dedication deed shall be delivered to the City Council, at a public, open meeting of City Council, and simultaneously with the acceptance of such deed, the City Engineer shall deliver to Owner the grading permit which has been approved by the City Council and issued by the City Engineer.

011247

8. a. Owner shall encumber the Property with restrictive covenants, recorded in the Real Property Records of El Paso, El Paso County, Texas, which shall contain, among any other provisions, the conditions in paragraphs 1 through 7, above, and a provision for ownership of the common, private or public open space as specified in El Paso City Code Section 20.18.030. The City of El Paso shall be a party to those covenants, and shall have the power to take legal and equitable actions to enforce those covenants.

b. Any amendments or changes to the conditions in this ordinance, whether by ordinance or amendment to the restrictive covenants, shall require the consent of a majority of the City Council, with the exception that, where 20 percent or more of owners of land or lots within 200 feet of the Property protest any change in writing, a three-quarters vote of City Council shall be required.

All of the conditions stated in paragraphs 1 through 8 above, compliance with which are necessary to make the zoning appropriate, shall run with the land, are a charge and servitude thereon, and shall bind the current property owner and any successors in title. The city may enforce these conditions by injunction, by rescission of the zoning change granted herein, or by any other legal or equitable remedy.

PASSED AND APPROVED this 8th day of DECEMBER, 1992

THE CITY OF EL PASO:

ATTEST:

MAYOR

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

APPROVED AS TO CONTENT:

Department of Planning

011247

7

Attachment 5: Letter of Inquiry

JORGE I. ANGULO, P.E.
Engineering Consultant

4108 Metetuye Ln.
El Paso, Tx. 79902-1367

Tel. 915-8200028

Development Services Department
Planning Division
City of El Paso
El Paso, Tx. 79901

May 12, 2014

Ref.: Kern View Estates Unit Two Replat A, Being all of Kern View Estates unit two, City of El Paso (The City), El Paso County, Texas, containing 15.5756 acres.

Based on detailed site development plan C-3.1, I have observed the following potential issues that were brought up in a meeting with Brock & Bustillos (BB). They commented on each item. Based on their comments we make the request to the City that is on each item:

1. The proposed site is on Crazy Cat Mountain, being a landslide from the main body of the Franklin Mountains composed mainly of brecia matter with a high degree of compactness making it difficult to grade by normal mechanical systems. Additionally, the subdivision consists of 60 lots that must be graded down to build stepped platforms; this fact makes it highly possible that the grading will require blasting.

BB: Blasting is prohibited.

Request: Confirmation by the City that blasting will be prohibited and the prohibition enforced.

2. The slope of the side of Crazy Cat is around 30° with arroyos that collect the storm water; this fact should be taken into consideration so that the runoff conditions of the properties below grade are not affected.

BB: No storm sewers are considered; however, a runoff study has been made and proper design to carry the runoff to about five points to street surface that will carry it to the City's storm sewers.

Request: The City should guarantee that the runoff changes do not affect the properties below grade. Bonding against this contingency should be sufficient.

3. The proposed housing consists of clustered housing, probably sharing common walls and of apparently smaller dimensions than the surrounding subdivisions, Villa Roja, Mission Hills and Sierra Crest. As a principle of appraisals, whenever residences of lower value or quality are introduced into a higher value neighborhood, property values decrease. On this subject, it is advisable that the houses be given an imaginative design of the facades in order to avoid the "common housing" aspect such as is found elsewhere in the City, rendering it an eye sore.

1

JORGE I. ANGULO, P.E.
Engineering Consultant
4108 Metetuye Ln.
El Paso, Tx. 79902-1367
Tel. 915-8200028

BB: Agrees about this principle and promissed to show a video that will show the facades.

Request: The drawings and other materials shown to us were not impressive. We request that the facades be given special treatment to beautify such exposed subdivision. A rendering should be approved by a committee interested in the aesthetics of our area.

4. It is not clear whether the approval of this development is subject to leaving the undesigned land as empty bare land including lots 11A, 13A, 15A and 16A, Block 9, Mission Hills Addition. If this is so, it should be considered a positive impact from the previous designs.

BB: The undeveloped land will be protected against future development.

Request: That restrictive covenants be imposed to the property so that future development be prohibited.

5. It is advisable to approve this subdivision in phases and requiring that the subsequent phases be approved after the previous one is built up, in order to assure that the lots will not remain unbuilt for long periods of time.

BB: The intention is to build the road and the lots in one operation. This point was not accepted. To build in phases would raise the cost of the development and would cause hazards and anoyance to the first phase residents.

Request: That the developer be given the option to build by phases (3) or that all the condominium units be built at once just as is customary in every other condominium developments in such a visible, residential area.

6. We shall require information as to whether the development will include the vacation of the water easement, currently not in use, of the water line that crosses Villa Roja, by re-directing it to Metetuye Lane. We deem this necessary to avoid the periodic leakages and sometimes breakages that have happened.

BB: BB was not aware of this line.

Request: That this line and easement be cancelled and vacated once and for all to avoid any (even accidental) breakages and leaks in the future.

7. It seems that the cross section of Bacerac and Metetuye Lane will not be wide enough to accommodate the two car lane, the concrete and brick sidewalks proposed

JORGE I. ANGULO, P.E.
Engineering Consultant
4108 Metetuye Ln.
El Paso, Tx. 79902-1367
Tel. 915-8200028

which would require that the lot owned by Margarita and Jesus Quevedo and the residence owned by Luz and Henry Jurado be affected.

BB: The adjoining properties will not be affected.

Request: That the City be mindful of this potential problem.

8. Traffic in that area will increase by more than 240 new trips per day produced by the Kern View Estates. We consider these to be an excessive flow on Bacerac that has only 16 trips per day. It is important to consider developing the original Peadmont Ave.; its development will reduce the hazards of an emergency evacuation.

BB: Does not agree and intends to avoid developing Peadmont.

Request: That the development be conditioned to the improvement of the secondary access using Peadmont or another feasible access.

9. Visitors parking is not defined.

BB: BB showed us a few parking spots. They may not be sufficient.

Request: Proper calculations should be made to assess the necessary parking so that adjoining existing streets are not affected.

10. During construction, a protection chain link fence should be build in order to keep debri from falling on downgrade properties.

BB: Deemed this to be a good idea.

Request: That the City require this fence to be put up before construction starts and removed after development.

11. A bond or insurance should be required that will take care of any damage to adjoining properties.

BB: It is custommary to have these.

Request: That the City demand proper protection.

12. An urban impact study should be rendered that will determine any additional investment that will be necessary to incorporate more than 120 new residents to the neighborhood; especially street improvement and the Mission Park's installations.

BB: No comment.

JORGE I. ANGULO, P.E.
Engineering Consultant
4108 Metetuye Ln.
El Paso, Tx. 79902-1367
Tel. 915-8200028

Request: The City should make this study and implement it and the costs be imposed to the developer.

13. It is unclear whether the streets are public (dedicated to the City) or private.

BB: The streets will be private. BB was unclear what prohibitions will be imposed on their use. Will the public be permitted to access through Kern View, the trail that they now access freely? BB did not specify whether there will be a gated entrance and, if so, its location. BB explained that there will be several viewing points, so how and by whom will they be available.

Request: Clarification of accessibility or not.

14. Most of the lots are below the level of the water tank. The water supply needs to be clarified.

BB: It is solved.

Request: Explanation as to how this will be accomplished and how it will not affect the water pressure of the existing residences.

15. It is unclear whether this development is a condominium or a subdivision.

BB: It is a condominium.

Request: How will the initial, still not completely sold, condominium be managed.

16. The turn around for the fire trucks in the middle of the access road will affect the adjoining property downhill by producing a blind wall blocking the view of the mountain.

BB: Agrees.

Request: That this trun around be design to prevent the impact.

17. We have not seen renderings of the different stages aspects of the development and their solution.

BB: Will provide.

Request: That the developer design and submit to a committee of residents that will approve the esthetics issues and that this design include grown landscaping with proper watering systems to assure its survival and that the retention wall be erected using

JORGE I. ANGULO, P.E.
Engineering Consultant
4108 Metetuye Ln.
El Paso, Tx. 79902-1367
Tel. 915-8200028

ornate elements and, obviously that the facades be worked speedily with imaginative and beautiful design, keeping away from the _____ housing concept.

In summary we request that the City be involved to produce a development of which we may all be proud.

Yours truly,

Jorge I. Angulo, P.E.

HENRY JURADO
4104 BACERAC CT.

PETER A. ARMENTA
4104 OKEEFE DR

Attachment 6: Opposition Letter

From: FriedaLee@aol.com
To: Hoffman, Alex P.
Subject: Kern View Estates
Date: Monday, May 19, 2014 9:22:16 PM

Mr. Hoffman,

I am very concerned and opposed to the Kern View Estates request for variances. Having zero set back discourages walking in the neighborhood, eliminates any possibility for landscaping which I consider urban blight, and is not in keeping with the covenants of the surrounding neighborhoods (Sierra Crest and Mission Hills.) Increasing building height creates an even greater eyesore and reduces property values and also violates Mission Hills covenants for multiple storied structures. I have many other concerns that deal with high density housing in a low density neighborhood, safety issues resulting from increased traffic, stress on Mesita and EPHS, water flow issues, damage to existing properties during construction, and harming the integrity of the mountain to name a few. If the city has an ordinance that disallows marring the mountain with high school letters, how can we justify putting 60 attached units on that same mountain? When will it stop? Please help us preserve our neighborhood and the mountain.

Lee Schwartz
SIM Professional Developer
(915) 526-2250 (cell)
(915) 532-6188 (h)

Attachment 7: Opposition Letter

May 21, 2014

To: City Plan Commission
RE: Case No. PZDS14-00004
Norma Calderón
3960 Las Vegas Dr.

Dear Sirs,
This letter is to state my complete opposition to the new development plan from the Piedmont Group for the Kern View Estates Unit Two.
1) The builders said the land directly behind my home would have a retaining wall about 25" tall for the turnaround which would :

a) Completely destroy my view.
b) Decrease the resale appeal for my property
c) Increase the noise level with all the traffic passing by behind my home
d) Infringe on my privacy
e) Surely cause damage to my home's structure

The original proposal called for the access road to be off of Piedmont which would not impact any homes having a street in their backyard destroying their view or the access bikers and mountain climbers have by directly walking onto the mountain. So I wonder why the original access was changed.

The new building design is the lesser of the two evils, but not the road. If CPC votes against the desires of all the Mission Hills Community, the road should remain on Piedmont. If not, then at the very least :
There should be no waiver on the setbacks and
no change in the number of homes originally agreed upon.

I am a teacher at Mesita Elementary and could not get away from necessary end of year activities to attend to, so I hope this letter is read at the meeting.

Sincerely,

Norma Calderón